

APPROVED: Meeting No. 22-81

ATTEST: *William E. Hanna, Jr.*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 16-81

May 11, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, May 11, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams
(arrived at 8:25 p.m.)

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; Assistant City Attorney Paul Glasgow; Chief of Police Jared Stout; Budget Officer Anna Lee Berman; Director of Planning James M. Davis; Director of Public Works Robert Goodin; Assistant City Manager Daniel Hobbs.

Re: City Manager's Report

Mr. Blick reported the following:

1. On Wednesday, the Planning Commission approved a use permit for 34 residential townhouses in the Rockshire Village Center on the site formerly designated for high-rise residential. The maximum height of the buildings will be 35 feet.

2. The eastbound bridge over the B&O metrorail tracks is due to be open on May 11. The westbound structure is slated for completion in October of this year. Work will begin on the approach roadway to the bridge in December.

3. Signal improvements at Route 355 and Park Road should be completed in July. There has been some delay because SHA wants to make some geometric improvements as well.

4. The Board of Education is scheduled to make a decision on the closing of Broome Middle School at 3:30 p.m. tomorrow.

Re: Award of Contract: Bid No. 34-81
Gude/Taft Traffic Signal

Bids were opened in the Council Chamber at 3:30 p.m. on April 30, 1981, for Bid No. 34-81, furnishing and installing the traffic signal at Gude Drive and Taft Street. Two bids were received as follows:

| | |
|--------------------------|-------------|
| Hawkins Electric Company | \$22,418.15 |
| Century Traffic Service | 28,985.50 |

| | |
|---------------------|-------------|
| Engineer's Estimate | \$29,512.00 |
|---------------------|-------------|

Hawkins has had the City's traffic signal maintenance contract for several years and was its contractor on the Fortune Terrace/Seven Locks Road Traffic signal installation last year. Century has done maintenance work on Rockville Pike signals for the State of Maryland.

The budget appropriation for this project was \$44,000. We were able to save money by having the Traffic Engineer design the signal to take advantage of four salvaged signal poles from the Rockville Pike traffic signal modernization which was done last year. Staff estimates this savings to the City to be in the area of \$5,000.

The Gude/Taft signal will have a separate left turn phase for Gude Drive traffic, as well as a separate through traffic phase for Gude Drive and for Taft Street. The lane markings at this intersection will be changed to match the traffic pattern of left turns and through traffic as appropriate. This traffic signal was designed to be easily interconnected with the traffic signal at Southlawn and at Route 28 when that work seems appropriate.

Staff recommends awarding Bid No. 34-81 to Hawkins Electric Company for its low bid of \$22,418.15.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 34-81 was awarded to the low bidder, Hawkins Electric Company in the amount of \$22,418.15.

Re: Award of Contract: Bid No.
43-81, Stream stablization-Potomac
Woods Park

Bids were opened in the Council Chamber, City Hall at 3:00 p.m., on Thursday, April 30, 1981, for the stream stabilization in Potomac Woods Park. This contract is for the installation of stone filled gabions, to prevent

erosion of private properties in the stream bed, near the park entrance at Dunster Lane. This project has a total authorization of \$30,000.00 which amount was placed in escrow by the developers of Orchard Ridge for this purpose.

Thirteen contractors received plans and specifications and six bids were submitted as follows:

| | |
|--|-------------|
| Concrete General, Inc., Gaithersburg, Maryland | \$29,520.00 |
| Teague & Fritz Construction, Inc., Frederick, Maryland | 29,530.00 |
| Ennis & Sons, Inc., Camp Springs, Maryland | 31,100.00 |
| Pleasant Excavating Co., Inc., Clarksburg, Maryland | 37,490.00 |
| Pilot Construction, Inc., Burtonsville, Maryland | 38,250.00 |
| Rapp Contracting, Inc., Beltsville, Maryland | 41,050.00 |
| Engineer's Estimate | 29,000.00 |

Staff recommends that the Mayor and Council award a contract to Concrete General, Inc., in the amount of \$29,520.00

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 43-81 was awarded to the low bidder, Concrete General, Inc., in the amount of \$29,520.00.

Re: Approval of withdrawal of
Map Amendment Application, M-23-80,
J. Lynott, Applicant

On Monday, April 20, the Mayor and Council unanimously approved Text Amendment Application, T-42-80, expanding the amount and types of retail and commercial uses allowed in the O-1, Office Building Zone. Because of the adoption of this text amendment, Map Amendment M-23-80, filed by J. Lynott for the Fordham Development Corporation, now becomes moot and the applicant has written asking that the map amendment be dismissed.

On motion of Councilman Freeland, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to allow the withdrawal of Map Amendment Application, M-23-80.

Re: Approval of sale of land to WMATA
Lots 22 & 23, Croyden

Resolution No. 10-81

The subject property contains 7,778 square feet and it is located at the Northeast corner of Stonestreet Avenue and Baltimore Road. The fair market value is \$11,000. This property is needed by WMATA for the recent realignment of South Stonestreet Avenue. This realignment was necessitated by the Metro Station which is currently under construction in the Town Center. The City previously granted WMATA a "Right of Entry" to the subject property in September of 1979 with the intent to finalize the actual sale at a later date. The

proposed sale of this property was recently advertised in accordance with the City Charter.

It is recommended that the Mayor and Council adopt the resolution authorizing the sale of the subject 7,778 square foot property to WMATA in the amount of \$11,000, and authorize the City Manager to execute a deed conveying the property to WMATA.

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 10-81, the full text of which can be found in Resolution Book No. 1 of the Mayor and Council, authorizing the sale of land to WMATA and authorizing the City Manager to execute a contract, was adopted by the Mayor and Council.

Re: Introduction of Ordinance: To
Grant Map Amendment Application,
M-27-80

On motion of Councilwoman Fordham, there was introduced upon the table an ordinance to grant map amendment application, M-27-80, E. Halpern, Applicant, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To
Grant Map Amendment Application,
M-28-80

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to grant map amendment application, M-28-80, Edward Halpern, Applicant, said ordinance to lay over at least one week before final action is taken.

Re: Citizen's Forum

Mayor Hanna opened the citizen's forum portion of the meeting for all those who wished to address the Mayor and Council.

1. Bernard Gaunt, 308 Lincoln Avenue. Mr. Gaunt read a letter from the Progressive Citizen's Association stating that the community of Lincoln Park is distressed to learn that the City has no plans to review its Neighborhood Preservation Plan which was to be included in the City Budget this year. He asked why these plans were changed. Mayor Hanna said that the Council became aware of this during one of the budget work sessions and the project has been reinstated with plans to be done this year on Lincoln Park and Hungerford/Stoneridge.

Mr. Gaunt also asked about the possibility of getting a light at Dover Road and Gude Drive. Mr. Blick said that the City approached the State and asked them to contribute money to expedite this matter, but the State turned down the request and said they want it done in July their way. As of now, there

is no light scheduled for Dover Road but the Traffic and Transportation Commission will be looking into it.

2. Glenn Looper, representing the Rockville Chamber of Commerce. Mr. Looper reminded the Council that it is Small Business Week in the City of Rockville as issued by Proclamation last week. He also handed out the 7th edition of the Rockville Community Guide and told the Council that the Chamber appreciates the work and cooperation given by the City.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. COG, re President's appointee to Intergovernmental affairs office
2. Nancy Hewitt, re CIP
3. R. Stolker, re occupancy permit ordinance
H. Metro, re occupancy permit ordinance
J. R. Goldstein, re occupancy permit ordinance
4. Congressman Barnes, re revenue sharing
5. New Mark Homes, re public safety

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from Public Information Officer on the testing of publicity effectiveness
2. Notice of Annual Meeting of Partners for Livable Places
Councilwoman Fordham said she will be attending part of the meeting on Partners for Livable Places
3. Copy of letter answering citizen complaint
4. Town Center Newsletter
5. Copy of letter to County Council from Maryland National Capital Park and Planning Commission re extension of Ride-on to Bethesda & Rockville
6. Copy of letter to L&I re Group Home on Lewis Avenue
Councilman Tyner asked Mr. Blick for more information on this matter.
7. Resolution from Takoma Park re COG committees.
8. Copy of letter to R. Kimmell from CDHA

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 11-81, April 20, 1981, were approved as written.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 12-81, April 27, 1981, were approved as written.

Re: Executive Session

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Mayor and Council agreed to have an executive session after the general session to discuss litigation.

Re: New Business

1. Councilwoman Fordham said she has a memo from the Director of Recreation and Parks with five different names for the renaming of the Civic Center. She feels that it is time to stop calling it an auditorium and starting calling it a theatre. Councilwoman Fordham moved, duly seconded by Councilman Freeland, to rename the Civic Center Auditorium the F. Scott Fitzgerald Theatre.

Mayor Hanna said he agreed with Councilwoman Fordham in that it should be named a theatre instead of an auditorium because the productions there have been 90 percent theatrical, but he said he has mixed feelings on naming it the F. Scott Fitzgerald Theatre. He said he knows that F. Scott Fitzgerald was a well known writer, but on the other hand, the City has not received a request from the family and that naming it after Mr. Fitzgerald is only a suggestion by staff. He said he would prefer to see it named a theatre within the Civic Center Complex. Councilman Tyner said that the City ought to be seriously thinking of a name now that Mr. Calfee's sculpture has been erected and waiting for its dedication, and also with the subscription series starting. He said the name can be debated, but he feels that F. Scott Fitzgerald Theatre is a name unique to Rockville. Mayor Hanna added that there might be a more appropriate name for it at a later date and asked Councilwoman Fordham, if she would consider changing her motion. She agreed as did the seconder.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Mayor and Council agreed to rename the Civic Center Auditorium to the "F. Scott Fitzgerald Theatre", with the condition that if a more appropriate name is recommended the Council may change the name.

2. Councilwoman Fordham said she has spoken with the Planning Department and thinks that the Planning Commission, as well as the community involved, should take an active part in the making of a decision regarding school closings. Mayor Hanna said he expects the Planning Commission to have initial review on the Community's use, since the City should be involved and the Planning Commission should be referred to for first recommendation.

Re: Public Hearing: Annexation
Petition, X-82-81, Montrose Woods
Joint Venture, requesting the annexa-
tion of 14,490 square feet of land
at Rollins Avenue and Montrose Road

The Mayor and Council conducted a public hearing on Annexation Petition, X-82-81, Montrose Woods Joint Venture, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the public hearing with the record to be held open for two weeks.

Re: Public Hearing: Annexation Petition
X-83-81, R.T. and J.R. Ewing,
Applicants, requesting the annexa-
tion of 9.8 acres in Fallsmead at
Pipestem Place.

The Mayor and Council conducted a public hearing on Annexation Petition, X-83-81, R.T. and J.R. Ewing, Applicants, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the public hearing with the record to be held open for two weeks.

Re: Public Hearing: PRU-17-81,
Berger/Berman Applicants, and
exploratory application for the
development of 9.8 acres as
single family dwellings

The Mayor and Council conducted a public hearing on Planned Residential Unit Application, PRU-17-81, Berger/Berman Applicants, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the public hearing with the record to be held open for two weeks.

Re: Public Hearing: Annexation Petition
X-84-81, Montrose West Limited
Partnership, Applicant, requesting
the annexation of 4.8 acres on
Monroe Street at Seven Locks Road

The Mayor and Council conducted a public hearing on Annexation Petition, X-84-81, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the public hearing with the record to be held open for two weeks.

Re: Public Hearing: SCA-35-81,
Montrose West Limited Partnership,
Applicant, requesting the
abandonment of 40 feet right-of-
way on Monroe Street at Seven
Locks Road

The Mayor and Council conducted a public hearing on Street Closing and Abandonment Application, SCA-35-81, Montrose West Limited Partnership, Applicants, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor closed the public hearing with the record to be held open for two weeks.

(The Mayor and Council at this time took a 5 minute recess.)

Re: Public Hearing: Intention to
Increase Tax Rate above Constant
Yield Tax Rate

Re: Public Hearing: Proposed Operating
Budget FY 82, Capital Improvements
Program and Use of General Revenue
Sharing Funds

The public hearings on the Constant Yield Tax Rate and the Budget, Capital Improvements Project and General Revenue Sharing funds were combined and the Mayor and Council conducted a public hearing and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard this evening, the Mayor declared that the hearing be continued until tomorrow night.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 11:55 p.m. to convene in executive session.

Re: Executive Session

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council convened in executive session to discuss litigation.